

REMARKS

These remarks are directed to the office action mailed November 10, 2008, setting a three month shortened statutory period for response which expired on February 10, 2009. A three month extension request and required fee authorization accompanies this amendment to reset the period so as to expire on May 10, 2009. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Claims 1 and 5 have been cancelled and claims 15-18 have been added. Claims 2-4 and 6-18 are currently pending.

Claim Objections

Claim 1 has been objected to because of informalities. Claim 1 has been cancelled, thus rendering the Examiner's objection moot.

Claim Rejections - 35 U.S.C. § 112

Claims 1-14 have been rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claim 1 has been cancelled. New claim 15 recites that cross-linking is carried out by formula (I). Claim 9 has been amended to recite only aluminum hydroxide.

Applicant submits that the claims have been clarified to particularly point out and distinctly claim the subject matter and are patentable under 35 U.S.C. §112.

Claim Rejections - 35 U.S.C. § 103

Claims 1-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Carfagnini (US 4,835,204) in view of Credali et al. (WO 2004/026957), and in further view of Yamanaka (US 2003/0013820).

New independent claim 15 recites a method for obtaining a plasto-elastomeric composition wherein the cross-linking is carried out by salicylic acid and a phenolic resin of formula (I). The method includes adding calcium carbonate, aluminium hydroxide, magnesium hydroxide or Barytes to the composition, directly in the compounding step with cross-linking or subsequently to the material that is already cross-linked, until the composition shows a total specific gravity of 2 kg/dm³. Support for this limitation is found on page 7, lines 25-27 of Applicant's specification.

By carrying out the method steps disclosed in claim 15, a product is achieved having many advantages. Among these many advantages, as described in the Applicant's specification on page 7, lines 10-15, "the end product made using such a composition...has the advantage of being recyclable, ...costing less than other materials such a polyurethane...non-toxic...and is resistant to ageing." "Moreover, adding magnesium and/or aluminium hydroxide in quantities of up to 75%, with other additives produces a composition with marked flame-proof characteristics..." (page 8, lines 15-17). Furthermore, "...surprisingly, even if the above-mentioned fillers of mineral origin are added, the...composition...still maintains optimum elastic and thermoplastic characteristics..." (page 9, lines 1-3).

The plasto-elastomeric composition of Carfagnini (US 4,835,204) does not have all the advantages mentioned above. Moreover, Carfagnini does not teach the method steps of obtaining this type of plasto-elastomeric composition or the specific step of adding certain fillers to the composition, directly in the compounding step with cross-linking or subsequently to the material that is already cross-linked, until the composition shows a total specific gravity of 2 kg/dm³. Similarly, Credali et al. and Yamanaka do not teach the specific method steps of claim 15 or adding fillers until the composition has a total specific gravity of 2 kg/dm³.

Applicant submits that none of the cited references in any combination teaches all of the elements and limitations of independent claim 17. Therefore, claim 17 and the claims dependent therefrom are unobvious and thus patentable under 35 U.S.C. §103.

Conclusion

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058009-021400 is referred to when charging any payments or credits for this case.

Respectfully submitted,



Charles Berman
Reg. No. 29,249

GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7700
Fax: (310) 586-7800
E-mail: laipmail@gtlaw.com
LA 127811513v1